

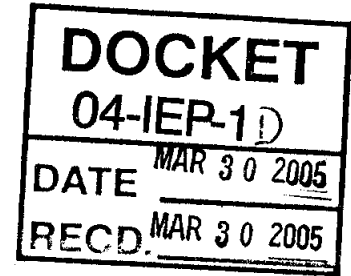
CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



March 30, 2005

Gary Schoonyan
Southern California Edison
1201 K Street, Suite 1810
Sacramento, CA 95814



Dear Mr. Schoonyan:

Re: Application for Designation of Confidentiality Electricity Supply Forecast Data;
Docket No. 04-IEP-1D

On March 3, 2005, Southern California Edison filed Electricity Supply Forecast Forms S-1, S-2, S-3, S-4, and S-5 for use in the Energy Commission's 2005 Energy Report proceeding. As part of that filing, Southern California Edison (SCE) is seeking a designation of confidentiality for the above-referenced forms.

SCE's application for confidentiality (application) can be summarized as follows:

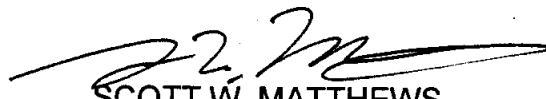
- Form S-1: Dependable Capacity Resource Accounting Tables for all months January 2006-December 2016. SCE is not seeking a confidential designation for the version of this form which provides some of this information on an aggregated annual basis starting in 2009.
- Form S-2: Energy Balance Accounting Table for all months January 2006-December 2016. SCE is not seeking a confidential designation for the version of this form which provides some of this information on an aggregated annual basis starting in 2009.
- Form S-3: Generic Renewable Capacity and Energy Locations for years 2006-2016.
- Form S-4: Projected QF Energy and Costs for years 2006-2016.
- Form S-5: Bilateral Contracts. 2003 Hourly Production of Qualifying Facility ("QF") Projects Equal to or Greater Than 10 MW.
- 2003 Hourly Production of Qualifying Facility ("QF") Projects Equal to or Greater Than 10 MW.

SCE requested that the specified information in Forms S-1 through S-4, as well as the historical hourly QF information be kept confidential for 15 years. SCE further

Gary Schoonyan
March 30, 2005
Page 3

The procedures and criteria for appealing this decision are set forth in the California Code of Regulations, title 20, section 2505. Be advised that an appeal must be filed within 14 days from the date of my decision. If you have any further questions regarding this decision, please contact Thomas Glaviano, Staff Counsel, at (916) 651-8893.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott W. Matthews", with a stylized, sweeping flourish extending to the right.

SCOTT W. MATTHEWS
Acting Executive Director

cc: Docket Unit

requested that the information requested in Form S-5 be maintained as confidential indefinitely.

The California Public Records Act allows for non-disclosure of trade secrets (Gov. Code, § 6254(k), Evid. Code, § 1060). The California courts have traditionally used the following definition of trade secret:

"A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it..." (*Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207-208, 96 Cal. Rptr. 493, 500-501, from the Restatement of Torts, vol. 4, sec. 757, comment b, p. 5.)

SCE's application of March 3, 2005, makes a reasonable argument under the Energy Commission's regulations for the Executive Director to classify some of the information contained in your application as confidential, since it could provide your competitors with a competitive advantage if made public. (Gov. Code, § 6254 (k); Cal. Code Regs., tit. 20, § 2505.) Accordingly, confidentiality will be granted as follows:

- Form S-1: Dependable Capacity Resource Accounting Table, described above. This table will be granted confidentiality for 3 years until the end of 2008, not for the longer period you requested because this planning data will become outdated.
- Form S-2: Energy Balance Accounting Table, described above. This table will be granted confidentiality for 3 years until the end of 2008, not for the longer period you requested because this planning data will become outdated.
- Form S-3: Generic Renewable Capacity and Energy Locations data, described above. This table will be granted confidentiality for 3 years until the end of 2008, not for the longer period you requested because this planning data will become outdated.
- Form S-4: Projected QF Energy and Costs, described above. This table will be granted confidentiality until the end of 2016.
- Form S-5: Bilateral Contracts, described above. Confidentiality will be granted until the end of 2016 or the end of the contract, whichever is later, even for those contracts which contain clauses specifying that the parties must maintain confidentiality indefinitely.
- In addition, historical hourly QF information will be granted confidentiality until the end of 2016.